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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hiroshi Mori

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38834

7590

05/11/2009

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EXAMINER

BENOIT, ESTHER

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/654,926	Applicant(s) MORI ET AL.	
	Examiner ESTHER BENOIT	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1 and 3-8 are pending in this application. Claims 1, and 3-8 have been amended and claim 2 has been cancelled.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 1/21/2009, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shoji et al. (*Fieldbus System Engineering*, 1999).

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide a clear linkage between the functions of the means plus function limitations of claim 1 and the corresponding structure that performs those functions. The specification appears to merely refer to the means as the means and to show these means as "boxes" in element 20 of Figure 2. Accordingly, the applicant is required to state on the record the structure that corresponds to the various means plus function limitations of the claims. The Remarks

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made by the applicants are not persuasive in linking the functions of the means plus function limitations of claim 1 to the corresponding structures performing the functions. The applicants have not pointed to specific structure and identified where that structure is identified in the application as originally filed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the response to the Office Action mailed on 10/17/2008, the applicants have given various "possible" structures corresponding to the means plus function limitations of Claim 1, but have not given support from the specification for those structures. The applicants' remarks for suggesting the structures "could be" and "etc." renders the claim language as indefinite. Claims 3-8 have also been rejected because they are dependent from claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gretta, Jr. (6,076,952), in view of Shoji et al. (*Fieldbus System Engineering*, 1999).

With respect to claim 1, Gretta discloses:

- data acquisition means for reading data from field devices connected to a fieldbus (Col. 10, lines 8-16)
- description means for writing data read by said data acquisition means (Col. 10, lines 45-67)
- generation means for interpreting data to generate display data (Col. 10, lines 59-67)
- display means for displaying said generated display data on a personal computer on a network (Col. 10, lines 21-28)

Gretta does not explicitly disclose creating definition files to define the way data of field devices are displayed.

However, Shoji discloses creating definition files to define the way data of field devices are displayed (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to creating definition files to define the way data of field devices are

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displayed, *because* it will define configuration data that will be displayed for each field device.

With respect to claims 3 and 4, Gretta discloses the display means displays the diagnostic parameters of said field devices and the statuses (Col. 4, lines 38-48)

Gretta does not explicitly disclose creating definition files to define the way data of field devices are displayed.

However, Shoji discloses creating definition files to define the way data of field devices are displayed (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to creating definition files to define the way data of field devices are displayed, *because* it will define configuration data that will be displayed for each field device.

With respect to claim 5, Gretta discloses said display means displays alarms present in said field devices (Col. 34, lines 44-50)

Gretta does not explicitly disclose creating definition files to define the way data of field devices are displayed.

However, Shoji discloses creating definition files to define the way data of field devices are displayed (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to creating definition files to define the way data of field devices are displayed, *because* it will define configuration data that will be displayed for each field device.

With respect to claim 6, Gretta discloses the display means has an area for setting an update interval at which said data acquisition means reads data from said field devices and said data acquisition means reads data from said field devices at said update interval set in said update interval setting area (Col. 34, lines 15-21)

With respect to claim 7, Gretta discloses the update interval setting area is provided with a refresh button that allows said data acquisition means to read data from said field devices at a desired point in time, and said data acquisition means reads data from said field devices at said desired point in time set using said refresh button (Col. 23, line 60)

With respect to claim 8, Gretta does not explicitly disclose the display unit comprises a definition means for defining diagnostic parameters to be displayed on a field device basis, wherein said description means writes to said definition files according to definitions provided in said definition means

However, Shoji discloses the display unit comprises a definition means for defining diagnostic parameters to be displayed on a field device basis, wherein said

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description means writes to said definition files according to definitions provided in said definition means (pg. 23, Col. 2, paragraph 2, "(2) Engineering of DCS...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to definition means for defining diagnostic parameters, *because* it will define configuration data that will be displayed for each field device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther Benoit whose telephone number is 571-270-

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3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2442

E.B.
May 6, 2009